

(SPACE BELOW FOR FILING STAMP ONLY)

ROGER D. WILSON SBN: 192207

RAINS LUCIA STERN ST. PHALLE & SILVER, PC

2300 Tulare Street, Suite 250

Fresno, California 93721

Telephone: (559) 233-4100

Facsimile: (559) 746-7200

Email: rwilson@rlslawyers.com

Attorney for Defendant J. DESHAWN TORRENCE

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

* * * * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

J. DESHAWN TORRENCE,

Defendant.

Case No.: **1:22-cr-00207-JLT-SKO**

**ROGER D. WILSON'S NOTICE OF
MOTION AND MOTION TO
WITHDRAW AS COUNSEL FOR
DEFENDANT; [PROPOSED] ORDER.**

DATE: TBD

TIME: 1:00 p.m.

COURT: Hon. Sheila K. Oberto

**TO: THE HONORABLE MAGISTRATE JUDGE SHEILA K. OBERTO AND
ASSISTANT UNITED STATES ATTORNEY KAREN ESCOBAR:**

PLEASE TAKE NOTICE that as soon as the matter may be heard before the Honorable Sheila K. Oberto, attorney Roger D. Wilson of Rains Lucia Stern St. Phalle & Silver, PC, shall and hereby does respectfully seek leave of this Court to withdraw as counsel for Defendant J. DESHAWN TORRENCE.

MOTION TO WITHDRAW

On or about October 14, 2022, Counsel Roger D. Wilson requested to substitute in as counsel of record for Defendant J. Deshawn Torrence. That request was predicated on several facts:

(1) Defendant Torrence was a police officer with the Sanger Police Department and a member of the Sanger Police Officers' Association (SPOA).

1 (2) The SPOA participated in a legal defense fund program provided by the Peace
2 Officers Research Association of California (PORAC).

3 (3) SPOA member Torrence received legal defense coverage (attorney fees and
4 costs) from PORAC beginning on or about November 30, 2021, when his department served
5 him with a notice of an internal affairs investigation related to the alleged misconduct that
6 formed the nexus of the case before this Court.

7 (4) SPOA member Torrence's legal representation was then provided through the
8 law firm of Adams Ferrone & Ferrone, the SPOA's law firm.

9 (5) Ultimately counsel affiliated with Adams Ferrone & Ferrone informed PORAC
10 that its firm could not represent Defendant Torrence in the current criminal matter.

11 (6) PORAC contacted Rains Lucia Stern St. Phalle & Silver, PC, requesting
12 assistance with legal representation of Defendant Torrence. Counsel Wilson is associated with
13 Rains Lucia Stern St. Phalle & Silver, PC, and was asked to represent Defendant Torrence.

14 (7) On or about October 14, 2022, Counsel Roger D. Wilson requested to substitute
15 in as counsel of record for Defendant Torrence.

16 (8) In December 2022, PORAC notified Defendant Torrence that it [PORAC]
17 would no longer provide him with legal defense coverage for his criminal case.

18 (9) On or about January 11, 2023, Counsel Wilson petitioner PORAC for
19 reconsideration of its December 2022 decision.

20 (10) On or about January 25, 2023, Counsel Wilson informed AUSA Karen Escobar
21 of PORAC's decision to not fund the legal defense in Defendant Torrence's criminal case.

22 (11) On or about February 17, 2023, Counsel Wilson attended the legal defense
23 coverage appeal hearing with PORAC.

24 (12) On February 22, 2023, PORAC ruled that it would not rescind its prior
25 determination to cease legal defense coverage for Defendant Torrence.

26 (13) On February 25, 2022, Counsel Wilson met with Defendant Torrence at the
27 Fresno County Jail and informed him of PORAC's final decision. Defendant Torrence
28 informed Counsel Wilson that he could not afford to retain legal counsel for his defense.

1 Counsel Wilson informed Defendant Torrence at that time that he would file a motion to
2 withdraw as his legal counsel in the case before the Court. Further, Counsel Wilson informed
3 Defendant Torrence that he would likely be appointed legal counsel by the Court pursuant to
4 the Criminal Justice Act.

5 Therefore, Counsel Roger D. Wilson of Rains Lucia Stern St. Phalle & Silver, PC,
6 respectfully requests this Court to grant his motion to withdraw as counsel for Defendant J.
7 DESHAWN TORRENCE.

8 Respectfully submitted,

9 RAINS LUCIA STERN ST. PHALLE & SILVER, PC

10 Date: March 9, 2023 By: /s/ Roger D. Wilson

11 **ROGER D. WILSON**

12 Attorney for Defendant J. DESHAWN TORRENCE
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[PROPOSED] ORDER

This matter, having come before the Court on Defense Counsel's Motion to Withdraw, and for good cause shown, **IT IS HEREBY ORDERED:**

Attorney Roger D. Wilson of Rains Lucia Stern St. Phalle & Silver, PC, is relieved as counsel of record for Defendant J. DESHAWN TORRENCE.

Dated: _____
Magistrate Judge

PROOF OF SERVICE

STATE OF CALIFORNIA,)
)
COUNTY OF FRESNO.)

I am employed in the County of Fresno, State of California. I am over the age of 18 and not a party to the within action. My business address is 2300 Tulare Street, Suite 250, Fresno, California 93721.

I served the foregoing document described as: **ROGER D. WILSON'S NOTICE OF MOTION AND MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT; [PROPOSED] ORDER**, on the interested parties in this action at the addresses below:

KAREN ESCOBAR
Assistant United States Attorney
Karen.Escobar@usdoj.gov

CONNIE GARCIA
Federal Defender's Office
Connie_Garcia@fd.org

J. DESHAWN TORRENCE
Fresno County Jail

☐ BY PERSONAL SERVICE

☒ BY ELECTRONIC MAIL (Karen Escobar and Connie Garcia)

☐ BY FACSIMILE

☒ BY U.S. MAIL: by placing the envelope for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same date the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid. (J. DESHAWN TORRENCE)

I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct.

EXECUTED ON: March 7, 2023, at Fresno, California



ROGER D. WILSON